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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,834	12/20/2001	Carsten Behrensmeier	V201-0634 (VGT 0272 PA)	3342

7590

05/02/2003

Steven W. Hays  
Suite 250  
28333 Telegraph Road  
Southfield, MI 48034

EXAMINER

MARSH, STEVEN M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 05/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/028,834

Applicant(s)

BEHRENSMEIER ET AL.

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 3. 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the first office action for U.S. Application 10/028,834 for a Composite Linkshaft Bracket filed by Carsten Behrensmeier et al. on December 20, 2001.

### ***Election/Restrictions***

Applicant's election of Claims 10-15 in Paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim 1-9 and 16-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "64" has been used to designate both raised ribbed regions and the inlets. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. While applicant may be his or her own lexicographer, a term in a claim may not be given a meaning repugnant to the usual meaning of that term. See *In re Hill*, 161 F.2d 367, 73 USPQ 482 (CCPA 1947). The term "spherical region" in claim 10 is used by the claim to mean "semi-circular region," while the accepted meaning is "in the shape of a sphere."

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,276,835 B1 to Reid et al. in view of U.S. Patent 5,906,360 to Kanda. Reid et al. discloses a bracket with an upper portion (24a) that has a plurality of mounting holes that receive a pair of mounted bolts (28), and an upper spherical region. The bracket also has a lower portion coupled to the upper portion that has a lower spherical region and a pair of inlets (any 2 of the holes that receive the bolts on the

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lower portion left over from the 2 mounting holes). The inlets couple with a corresponding one of the pair of mounted bolts and surround and support a shaft. The upper portion also has a plurality of raised ribbed regions (between the bolts 28). The bracket taught by Reid et al. does not specifically disclose mounted studs, but instead discloses mounted bolts. However, Applicant discloses that bolts can be used instead of studs and therefore the type of fastener is a matter of engineering preference (see page 5, lines 2-5 of Applicant's specification).

Reid et al. does not disclose the materials used for the upper and lower portions of the bracket. Kanda discloses a bracket, which has a sleeve portion made of a fiber-reinforced polyamide, for holding a shaft member (12). It would have been obvious to one of ordinary skill in the art at the time of the present invention to have used a fiber-reinforced polyamide as the material for supporting a shaft on the shaft holding portion taught by Reid et al., as taught by Kanda, for the purpose of providing strength. The heat distortion temperature for the bracket is not disclosed by Reid et al. in view of Kanda, however that is a matter of engineering preference and would have been obvious to one of ordinary skill in the art at the time of the present invention.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reid et al. in view of Kanda, and in further view of U.S. Patent 5,250,604 to Moriwaki et al. Reid et al. in view of Kanda discloses a fiber-reinforced polyamide, but it does not specifically disclose an aliphatic polyamide with glass fiber reinforcement. Moriwaki et al. discloses glass fiber reinforcement and a known as a known form of fiber reinforcement for aliphatic polyamides. It would have been obvious to one of ordinary

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skill in the art at the time of the present invention to have utilized an aliphatic polyamide for the polyamide taught by Reid et al. in view of Kanda and utilized glass fiber reinforcement as the fiber reinforcement, as taught by Moriwaki et al., as a known form of fiber reinforcement for a polyamide.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,435,299 B1 to Miller

U.S. Patent 4,199,202 to Maeda

U.S. Patent 6,079,673 to Cox

U.S. Patent 5,024,404 to Ballard

U.S. Patent 6,173,800 B1 to Steenackers et al.

U.S. Patent 5,234,271 to Lindstrom

U.S. Patent 2,997,347 to Bauer

U.S. Patent 3,476,450 to Grange et al.

U.S. Patent 3,936,100 to Moores, Jr. et al.

U.S. Patent 3,140,901 to Young

U.S. Patent 2,935,362 to Diener

U.S. Patent 6,280,091 B1 to Martin et al.

The above patents all disclose different types of shaft or cylinder holders.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

*SMh*

Steven Marsh

April 25, 2003

*Korie Chan*  
Korie Chan

Primary Examiner